

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--------------------|---|----------------------|
| WILLIAM C. GUNTER, |) | |
| |) | |
| Petitioner, |) | 4:05cv3223 |
| |) | |
| vs. |) | MEMORANDUM AND ORDER |
| |) | |
| ROBERT HOUSTON, |) | |
| |) | |
| Respondent. |) | |

This matter is before the court on filing no. 13, the Objection by the petitioner, William C. Gunter, to my Memorandum and Order denying his Praecipe for a subpoena to be issued to the Clerk of the Douglas County District Court for the production of a Motion for Postconviction Relief. I construe the Objection as a Motion for Reconsideration. The petitioner states that he needs a copy of the Motion for Postconviction relief which was denied on October 28, 2002, not the Motion dated August 5, 2003. Therefore, filing no. 13 is granted, and the respondent shall file with the court and send to the petitioner the requested Motion and all state court orders and records related to that Motion.

Also before the court is filing no. 14, the petitioner's Motion for Extension of Time, in which he requests an extension of time after the requested records have been provided to him in which to respond to the respondent's Motion for Summary Judgment. Filing no. 14 is granted.

THEREFORE, IT IS ORDERED:

1. That the petitioner's Motions, filing nos. 13 and 14, are granted;
2. That the respondent shall, without delay, provide the court and the petitioner with the requested additional state court records; and
3. That the petitioner shall have 30 days after his receipt of the additional state court records to respond to the respondent's Motion for Summary Judgment.

DATED this 13th day of December, 2005.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge